

REMARKS

Claims 1-11 are all the claims pending in the application.

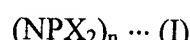
Response to Claim Rejections Under §§ 102 and 103

Claims 1-4 and 9-11 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by EP 1,347,530 Otsuki et al.

Claims 5-8 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over Otsuki.

Applicants respectfully traverse.

The present claims relate to an additive for a non-aqueous electrolyte in a battery composed of a phosphazene compound represented by the following formula (I):



(wherein Xs are independently a halogen element, and n is an integer of 3-15) and containing at least two kinds of halogen elements. In other words, the present claims recite a phosphazene compound containing at least two kinds of halogen elements.

Otsuki discloses a phosphazene derivative represented by the formula: $(PNR_2)_n$, wherein R represents a monovalent substituent or a halogen atom and n is 3 to 6. In other words, the phosphazene derivative of Otsuki contains one kind of halogen. This is further supported by Otsuki's repeated disclosure of "a halogen" (e.g., paragraphs [0022], [0033] and [0038]). Accordingly, Applicants respectfully submit that Otsuki repeated reference to "a halogen," would indicate to one skilled in the art that the phosphazene compound of Otsuki contains only one kind of halogen. Therefore, Otsuki fails to disclose the additive for the non-aqueous electrolyte in the battery as claimed in present Claim 1.

Accordingly, Otsuki fails to anticipate or render obvious the present claims. Withdrawal of the rejections is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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